

# **EXHIBIT C**

**In The Matter Of:**

*Eli Mistovich, Jr. v.  
Elizabeth Bowden, et al.*

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*Stephen Nevero  
Vol. 1, September 15, 2005*

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**Word Index included with this Min-U-Script®**

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[1] to allow me to finish my question before you start  
[2] your answer for the stenographer; and if you —  
[3] rather, if you would say “yes” or “no” rather than  
[4] nod your head or say “uh-huh” or some of the other  
[5] ways that we converse, just so the record will show  
[6] your answer. And if you want to take a break or  
[7] talk to your counsel, you can so indicate at any  
[8] time; and if you don’t understand my question, I’d  
[9] be happy to rephrase it. Okay?

[10] A: Okay.

[11] Q: Would you state your name for the record.

[12] A: Stephen Nevero.

[13] Q: And for the record what’s your home  
[14] address?

[15] A: 35 Callahan Street, Billerica, Mass.

[16] Q: And how old are you?

[17] A: Fifty-seven.

[18] Q: Are you married?

[19] A: No.

[20] Q: Would you describe — well, are you a high  
[21] school graduate?

[22] A: Yes.

[23] Q: Any education after high school?

[24] A: Yes.

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[1] Q: Would you describe that education.

[2] A: Civil BS in civil engineering from  
[3] Northeastern University.

[4] Q: And when did you receive your BS?

[5] A: 1971.

[6] Q: And any other degrees?

[7] A: No.

[8] Q: Okay. Are you presently employed?

[9] A: Yes.

[10] Q: And are you employed by the Massachusetts  
[11] Bay Commuter Railway?

[12] A: No.

[13] Q: And who are you employed by at the present  
[14] time?

[15] A: HNTB Corporation.

[16] Q: And what is the business of that entity?

[17] A: They’re a consulting firm.

[18] Q: Where are they located?

[19] A: My home office is located in Burlington,  
[20] Mass.

[21] Q: And what consulting corporation — do they  
[22] have a particular field of expertise?

[23] A: Mostly engineering.

[24] Q: And how long have you worked for HNTB?

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[1] A: Since around 2000. I don’t remember the  
[2] exact date.

[3] Q: Sometime in 2000?

[4] A: Yes, I think. I’m not sure of the exact  
[5] date.

[6] Q: Okay. Are they one of the principals or  
[7] owners of the Massachusetts Commuter Railway  
[8] Company?

[9] A: No.

[10] Q: At some point were you employed by  
[11] Massachusetts Bay Commuter Rail Company?

[12] A: No.

[13] Q: You’ve never been employed by them?

[14] A: No.

[15] Q: Okay.

[16] MS. RUBIN: Can we go off the record for a  
[17] minute?

[18] MR. TEAGUE: Yes.

[19] (Discussion off the record)

[20] Q: After a discussion with your counsel, is my  
[21] understanding correct that you work with the  
[22] Massachusetts Bay Commuter Railway Company as a  
[23] consultant?

[24] A: Yes.

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[1] Q: And is that pursuant to some agreement or  
[2] an agreement between HNTB and what I’ll call “MBCR”?

[3] A: Yes.

[4] Q: And how long have you worked as a  
[5] consultant with MBCR?

[6] A: Since July 2003.

[7] Q: Okay. And are you still working as a  
[8] consultant with MBCR?

[9] A: Yes.

[10] Q: Okay. Do you have an official title or  
[11] position with MBCR?

[12] A: Yes.

[13] Q: What is that?

[14] A: Chief engineer.

[15] Q: And what are your duties as chief engineer?

[16] A: My duties are to direct and oversee the  
[17] maintenance and construction of the tracks, bridges,  
[18] buildings, signal system.

[19] Q: Are there other consultants from HNTB that  
[20] work with MassBay Commuter Railroad besides you?

[21] A: Not that I’m aware of, full time.

[22] Q: Before you came to MassBay Commuter  
[23] Railroad, what job did you do for HNTB?

[24] A: I had various jobs. I was project manager

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[1] A: My understanding was that he worked for  
[2] Amtrak.  
[3] Q: Okay. Did you — prior to, let's say, July  
[4] of 2003 when he came to work for MBCR, did you see  
[5] him on more than one occasion?  
[6] A: I saw him more than once, yes.  
[7] Q: Did you have conversations with him from  
[8] time to time?  
[9] A: Yes.  
[10] Q: Okay. And were they — did they involve  
[11] professional matters?  
[12] A: To the best of my knowledge, they all did,  
[13] yes.  
[14] Q: You didn't have any personal acquaintance,  
[15] personal relationship —  
[16] A: No, I didn't.  
[17] Q: — with Mr. Mistovich?  
[18] MS. RUBIN: I just want to interrupt for a  
[19] second. You need to slow down again, because you're  
[20] sort of answering before he finishes the question.  
[21] So just slow down.  
[22] Q: Very common, almost every deposition that  
[23] happens. That's the way people talk; but,  
[24] unfortunately, we have to have this as a structured

[1] A: About five or six.  
[2] Q: And, now, he was assistant chief engineer,  
[3] Track. Do you remember what his job  
[4] responsibilities were in that position?  
[5] A: Yes. He directed and oversaw the  
[6] maintenance activities for the Track Department, for  
[7] the track work.  
[8] Q: And do you recall if he had employees that  
[9] worked under him in the Track Department?  
[10] A: Yes, he did.  
[11] Q: And do you remember how many?  
[12] A: I don't remember exactly how many, no.  
[13] Q: Now, is it called the Track Department or  
[14] Division?  
[15] A: Yes, Track Department.  
[16] Q: How many other departments were there under  
[17] you? You said you had five other chief engineers.  
[18] A: The same amount, five or six.  
[19] Q: Okay. Do you remember — how would you  
[20] identify the other departments?  
[21] A: Communication and Signals, Force Account,  
[22] Bridges and Buildings, Facilities, Administrative,  
[23] and Track.  
[24] Q: Okay. What's involved in Force Account?

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[1] question and answer.  
[2] A: Okay.  
[3] Q: Okay. Now, you recall that Mr. Mistovich  
[4] was terminated from his employment at MBCR on March  
[5] 30, 2004?  
[6] A: I recall that he was terminated. I don't  
[7] remember the exact date.  
[8] Q: Okay. And did — is it your understanding  
[9] that Mr. Mistovich worked for MBCR starting around  
[10] July of 2003?  
[11] A: Yes.  
[12] Q: Okay. Were you his immediate supervisor?  
[13] A: Yes.  
[14] Q: And who did you report to while you worked  
[15] at MBCR?  
[16] A: I reported to Steve Urban.  
[17] Q: Okay. Do you recall what Mr. Mistovich's  
[18] job title was at MBCR?  
[19] A: I believe it was assistant chief engineer,  
[20] Track.  
[21] Q: Did you have other assistant chief  
[22] engineers besides Mr. Mistovich working —  
[23] A: Yes.  
[24] Q: — under you? And how many?

[1] A: It's — Force Account is a department set  
[2] up under Engineering where they manage the extra  
[3] work not under the agreement services as requested  
[4] by the MBTA.  
[5] Q: Do you know how many total employees are in  
[6] those six departments that are under you?  
[7] A: I don't remember the exact number.  
[8] Q: Do you have an approximation?  
[9] A: Yes.  
[10] Q: How many would that be?  
[11] A: Five hundred.  
[12] Q: Okay. Did Mr. Mistovich have hiring  
[13] responsibility for the Track Department?  
[14] A: Yes.  
[15] Q: And did each of the other engineers also  
[16] have hiring responsibilities for the departments?  
[17] A: For their respective departments, yes.  
[18] Q: Did you as chief engineer get involved in  
[19] the hiring decisions?  
[20] A: I did not.  
[21] Q: Now, is it your understanding that when  
[22] MBCR started operating the commuter rail system for  
[23] the MBTA July of 2003 that they employed many  
[24] employees from Amtrak that worked in the commuter

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[1] Cobble Hill.

[2] Q: And at the first meeting Mr. Mistovich was  
[3] present, correct?

[4] A: Correct.

[5] Q: And then also Ms. Lydon (sic), Mr. Urban  
[6] and you; is that correct?

[7] A: Correct.

[8] Q: Was anybody else present; do you recall?

[9] A: I don't recall anyone else being present.

[10] Q: How did you become to be present at that  
[11] meeting?

[12] A: I don't recall the exact details, but I was  
[13] notified that Alison Leaton had indicated that Eli  
[14] was screening out certain applications from certain  
[15] sections of the city where minorities resided.

[16] Q: And who provided you with that information?

[17] A: I think it was Elizabeth.

[18] MS. RUBIN: Do you recall? When you say  
[19] "you think" —

[20] A: I don't fully recall.

[21] Q: Okay. Were you given this information  
[22] prior to the first meeting with Mr. Mistovich?

[23] A: Yes.

[24] Q: And do you recall how long prior to the

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[1] said in any of these discussions to you?

[2] MS. RUBIN: Other than what he's already  
[3] testified to?

[4] MR. TEAGUE: Yes.

[5] Q: Any specific comments you made.

[6] A: I remember that she requested that I be  
[7] part of the investigation. I don't recall anything  
[8] else right now.

[9] Q: Do you remember anything you said?

[10] A: Not specifically.

[11] Q: Or how about generally?

[12] A: Generally I was asking what the  
[13] investigation was for.

[14] Q: And she gave you the information you  
[15] previously provided, that Mr. Mistovich had — it  
[16] had been alleged that he had been screening out  
[17] applicants due to where their place of residence  
[18] was?

[19] A: I believe so.

[20] Q: Do you recall anything else she said?

[21] A: Not specifically.

[22] Q: I'm going to show you a document that MBCR  
[23] has produced for this proceeding, it's Bates stamped  
[24] No. 1, which appears to be a copy of an e-mail

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[1] first meeting you were provided with this  
[2] information?

[3] A: I do not recall.

[4] Q: Do you remember having any discussions with  
[5] Elizabeth Bowden before the first meeting about  
[6] Mr. — the subject of that meeting?

[7] A: I did have discussions.

[8] Q: And how many did you have?

[9] A: I do not recall.

[10] Q: Was it more than one?

[11] A: I do not recall.

[12] Q: Were these at the Somerville location?

[13] A: I do not recall.

[14] Q: Do you remember if any of them were by  
[15] telephone?

[16] A: I do not recall.

[17] Q: Was anyone else present besides you and Ms.  
[18] Bowden during any of these discussions?

[19] MS. RUBIN: Objection.

[20] A: I do not recall.

[21] Q: Okay. Were you provided with any documents  
[22] before the first meeting, copies of documents?

[23] A: I do not recall.

[24] Q: Do you remember anything that Ms. Bowden

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[1] between Elizabeth Bowden and Alison Leaton of March  
[2] 11, and just ask you if you've seen that before.

[3] A: (Reviewing document) I don't recall seeing  
[4] this.

[5] MR. TEAGUE: Okay. Why don't we just mark  
[6] this for identification as — we'll call it "Nevero  
[7] Exhibit 5."

[8] MS. RUBIN: Okay.

[9] (Document marked as Nevero  
[10] Exhibit 5 for identification)

[11] Q: Did you — okay. Let me... I'm going to  
[12] show you a document that's been provided by MBCR and  
[13] it's stamped — Bates stamped No. 4. Do you  
[14] recognize this document?

[15] A: I do not.

[16] Q: That's not something you prepared, I take  
[17] it?

[18] A: I don't believe I did.

[19] Q: Okay. I'm just reading the top line of the  
[20] document. It says "March 15, '04, Beth/Liz/Steve."  
[21] Do you know who that refers to?

[22] A: "Liz" I would guess "Liz Bowden."

[23] Q: How about "Beth"?

[24] A: I can't be sure.

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[1] Q: Okay. Did you recall ever meeting with Liz  
[2] Bowden and someone else concerning these Track  
[3] interviews? The only reason I'm asking you is the  
[4] word "Steve" there. It could very well be you or  
[5] Mr. Urban or someone else.  
[6] A: Can you repeat that question?  
[7] Q: If you look along the top line, the names  
[8] are "Liz/Beth/Steve," and my question is, the name  
[9] "Steve," does that refresh your recollection as to  
[10] any meeting you may have had with Liz Bowden or a  
[11] person named "Beth" concerning Mr. Mistovich's  
[12] participation in these Track interviews?  
[13] A: It does not refresh my memory about a  
[14] meeting.  
[15] MR. TEAGUE: Why don't we mark this Bates  
[16] stamped Document No. 4 as Nevero Exhibit 6 for  
[17] identification.  
[18] (Document marked as Nevero  
[19] Exhibit 6 for identification)  
[20] Q: Now, you — earlier you used the word  
[21] "investigation" in the discussion about your  
[22] conversation with Ms. Bowden. Was it your  
[23] understanding that there was an investigation being  
[24] conducted of Mr. Mistovich's activities in this

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[1] regard?  
[2] A: That was my understanding.  
[3] Q: Okay. Can you recall how long before the  
[4] first meeting with Mr. Mistovich you became aware  
[5] that this investigation was taking place?  
[6] A: I cannot recall.  
[7] Q: You remember if it was more than a week?  
[8] A: I do not remember.  
[9] Q: Okay. Did you talk to Mr. Mistovich prior  
[10] to this first meeting about the subject matter of  
[11] the meeting?  
[12] A: I do not believe that I did.  
[13] Q: Were you instructed or advised by Ms.  
[14] Bowden or Mr. Urban not to discuss this matter with  
[15] Mr. Mistovich before the meeting?  
[16] A: I was advised not to discuss this matter  
[17] with Eli Mistovich, but I don't remember by whom.  
[18] Q: Besides Liz Bowden and Mr. Urban, was there  
[19] anyone else that you recall being involved in this  
[20] investigation prior to the first meeting?  
[21] A: I don't recall anybody else being involved.  
[22] Q: Did the person that instructed you not to  
[23] talk to Mr. Mistovich about the purpose of the  
[24] meeting prior to the meeting, did that person

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[1] indicate why they were giving you that instruction?  
[2] A: I don't recall if there was — I don't  
[3] recall the reason.  
[4] Q: Did you have an understanding of the  
[5] reason?  
[6] A: Not that I recall.  
[7] Q: Do you know if anyone else provided any  
[8] information to Mr. Mistovich about the reason for  
[9] the meeting prior to the first meeting?  
[10] A: I do not recall.  
[11] Q: Okay. Did you ever talk to Alison Leaton  
[12] about the allegation prior to the first meeting?  
[13] A: I do not recall.  
[14] Q: And prior to this initial meeting with Mr.  
[15] Mistovich, were you aware of any criticism of the  
[16] MBCR by any city, Boston city, or Massachusetts  
[17] state officials about a failure to hire minorities?  
[18] A: Can you repeat that again.  
[19] Q: Yes. Before this incident or before the  
[20] termination of Mr. Mistovich, were you personally  
[21] aware of any criticism of MBCR for failure to hire a  
[22] sufficient number of minorities by Boston or state  
[23] government officials?  
[24] A: Not that I'm aware of.

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[1] Q: Okay. And do you recall how Mr. Mistovich  
[2] came to be present at that initial meeting?  
[3] A: I believe I asked him to attend a meeting.  
[4] Q: And was this in writing or did you just —  
[5] A: I do not recall.  
[6] Q: And how much advance notice was he given?  
[7] A: I do not recall.  
[8] Q: Okay. What do you recall — well, let me  
[9] strike that. Let me go back a step.  
[10] Your counsel has produced a document  
[11] stamped No. 66 today, and can you tell us what that  
[12] is.  
[13] A: (Reviewing document) Those were notes that  
[14] I made.  
[15] Q: And those were notes of the first meeting?  
[16] A: Yes.  
[17] Q: And maybe you can look at — the first line  
[18] says "Notes by S. Nevero of interview of Eli  
[19] Mistovich on 3/26/04"?  
[20] A: Yes.  
[21] Q: Is it fair to say that's when the meeting  
[22] occurred, March 26th of 2004?  
[23] A: I believe so.  
[24] Q: And what do you recall, and you can refresh



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[1] your recollection with the notes, what do you recall  
[2] being said at the meeting, and who said it, the  
[3] general remarks that went back and forth?  
[4] A: What I recall about the meeting was that  
[5] Liz Bowden was asking the questions of Eli, and I  
[6] don't remember many of the details at all. But I do  
[7] remember after the meeting that it was my  
[8] understanding that the — that the — or it was my  
[9] feeling that the — that Eli screened out  
[10] applications from certain areas of the city where  
[11] residents lived.

[12] Q: Well, that was the allegation that gave  
[13] rise to the meeting, correct?

[14] A: Yes.

[15] Q: Okay. And other than these notes, do you  
[16] have any recollection of remarks that were made at  
[17] the meeting, in other words, who said what?

[18] A: I have one particular recollection that Eli  
[19] stated something to the effect that he had a problem  
[20] with those types of people and he could produce a  
[21] box of documents.

[22] Q: Did anyone ask him what he meant by "those  
[23] types of people"?

[24] A: I do not recall.

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[1] Q: In your notes of the interview, it said,  
[2] "Mr. Mistovich's initial response to Elizabeth  
[3] Bowden's question, 'Did you say to Alison Leaton  
[4] that you had trouble with them?'" — that was in  
[5] quotes — "I can show you a box of documents in my  
[6] office that will show you the problems." You recall  
[7] those words?

[8] A: I don't recall them.

[9] Q: Okay. Do you recall Mr. Mistovich stating  
[10] that in hiring he was trying to get the best  
[11] candidate for MBCR during the hiring process?

[12] A: I recall that.

[13] Q: And do you recall anything else he said in  
[14] that regard?

[15] A: No, I don't.

[16] Q: And it says, "He further stated that he had  
[17] hired many people of color always trying to get the  
[18] best candidate"?

[19] A: I vaguely recall that.

[20] Q: Okay. And did he — do you recall him —  
[21] do you understand what he was referring to, I mean,  
[22] when he "hired many people of color"?

[23] A: Not specifically.

[24] Q: Did you understand him to mean that this

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[1] was during his work at Amtrak?

[2] A: I did not understand that, no.

[3] Q: Then it says when asked by Elizabeth Bowden  
[4] if he gave Alison Leaton a difficult time when she  
[5] recommended that he interview a qualified candidate  
[6] from a specific area, he — meaning Mr. Mistovich —  
[7] stated, quote, No, closed quote. Do you remember?

[8] A: I vaguely remember that.

[9] Q: Okay. And then he said when asked, or you  
[10] say, When asked by Elizabeth Bowden a second time if  
[11] he told Alison Leaton, quote, that he had trouble  
[12] with them, close quote, he stated that he could not  
[13] remember exactly what he said; do you remember that?

[14] A: Vaguely.

[15] Q: These questions by Elizabeth Bowden, were  
[16] they referring to a meeting or a conversation  
[17] between Eli Mistovich and Alison Leaton in the  
[18] hiring process?

[19] A: I don't quite understand the question.

[20] Q: Okay. Your notes, the last line, refer to  
[21] a statement or information given to Eli or given to  
[22] Alison Leaton by Eli Mistovich, correct?

[23] A: (Reviewing document) What was the question  
[24] again?

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[1] Q: In other words, these questions by  
[2] Elizabeth Bowden, this investigation, were focusing  
[3] on a conversation between Alison Leaton and Mr.  
[4] Mistovich that occurred during the hiring process,  
[5] correct?

[6] A: I need to hear that one more time.

[7] Q: Huh?

[8] A: I need to hear that question again.

[9] Q: Okay. Your — let's look at your initial,  
[10] first bullet point in your summary. It might be my  
[11] awkward questioning. Forgive me for that. But you  
[12] have what you describe as Mr. Mistovich's initial  
[13] response to Elizabeth Bowden's question, okay, and  
[14] Elizabeth Bowden's question, which you quote, is,  
[15] "Did you say to Alison Leaton that you had trouble  
[16] with them?" Do you remember that? That's what you  
[17] wrote, correct?

[18] A: That's what I wrote.

[19] Q: Okay. Now, when Elizabeth Bowden was  
[20] asking this question of Mr. Mistovich, you  
[21] understood that Elizabeth Bowden was referring to a  
[22] discussion that had previously occurred between  
[23] Alison Leaton and Mr. Mistovich, did you not?

[24] A: That was my understanding.

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[1] informing you of how many candidate resumes he had  
[2] looked at in this hiring process?

[3] A: I do not recall.

[4] Q: And do you have any information as to how  
[5] many candidates were actually interviewed by Mr.  
[6] Mistovich or Ms. Leaton or both of them?

[7] A: I do not recall.

[8] Q: Before the meeting or at the meeting of  
[9] March 26th, did you make any inquiry into Mr.  
[10] Mistovich's health situation?

[11] A: I don't believe I did.

[12] Q: Do you recall about a week before the March  
[13] 26th meeting that Mr. Mistovich was having some  
[14] difficult vision in one eye?

[15] A: I do not recall.

[16] Q: Do you recall him leaving work on a day  
[17] because he had to go to a doctor because of blurred  
[18] vision? Do you have any recollection of that?

[19] A: I do not recall.

[20] Q: Do you know if you or anyone else made any  
[21] inquiry of Mr. Mistovich on the day of the meeting  
[22] as to whether he was taking any medication that  
[23] might affect his mental condition?

[24] A: I do not recall.

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[1] Q: Did you recall asking at the meeting how  
[2] long prior to March 26th this incident had occurred?

[3] A: I do not recall.

[4] Q: Did it appear to you that Mr. Mistovich had  
[5] any difficulty in remembering the candidate whose  
[6] name was being discussed?

[7] A: I do not recall.

[8] Q: Now, you said a little earlier that after  
[9] the meeting you had concluded that Mr. Mistovich had  
[10] screened interviews, screened candidates because of  
[11] where they lived. I believe that's what you said.  
[12] Is that —

[13] A: I remember that was my conclusion after the  
[14] meeting.

[15] Q: What led you to that conclusion?

[16] A: I don't remember all the details that led  
[17] me to that.

[18] Q: Do you remember any of them?

[19] A: I remember Eli's statement that he had  
[20] problems with those types of people and can produce  
[21] a box of documents, something to that effect.

[22] Q: When he said "those" —

[23] A: And —

[24] Q: Okay. I'm sorry. Go ahead.

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[1] A: And that was in regards to a question by  
[2] Elizabeth Bowden, something to the effect of that  
[3] question to him, whether he was screening out  
[4] applications, but I don't remember the details.

[5] Q: Okay. What happened next after the  
[6] meeting? You had a meeting March 26th, and he was  
[7] terminated on March 30th. Was there an interim  
[8] meeting or discussion between you and Ms. Bowden and  
[9] Mr. Urban or anyone else?

[10] A: Yes, there was.

[11] Q: And when did that occur?

[12] A: I don't remember the exact date.

[13] Q: It was obviously prior to March 30th?

[14] A: Prior to the termination date, yes.

[15] Q: And do you remember, was there more than  
[16] one meeting or discussion or...

[17] A: I recall one meeting.

[18] Q: Okay. Where did that occur?

[19] A: That meeting occurred at 89 South Street.

[20] Q: Is that someone's office?

[21] A: Yes.

[22] Q: And whose is that?

[23] A: I believe that was — it was the general  
[24] manager's office where we had the meeting.

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[1] Q: It was Kevin Lydon's?

[2] A: Yes.

[3] Q: And who was at the meeting besides you and  
[4] Mr. Lydon?

[5] A: I remember that Kevin Lydon, Elizabeth  
[6] Bowden, Steve Urban and I were at the meeting.

[7] Q: Okay. Was anyone else present?

[8] A: I don't recall anybody else being present.

[9] Q: Do you remember an attorney Mr. Davey being  
[10] present?

[11] A: I don't recall him being present.

[12] MS. RUBIN: I just want to interrupt. He  
[13] didn't recall Mr. Davey being present; but under the  
[14] same agreement as before, he's going to be  
[15] testifying to this meeting, and we're not waiving  
[16] any potential privilege by virtue of him discussing  
[17] it.

[18] MR. TEAGUE: That's understood throughout  
[19] the proceeding.

[20] MS. RUBIN: All right.

[21] MR. TEAGUE: You don't have to interject  
[22] that. I understand he may or may not have been  
[23] there. If he's there, you did not object to  
[24] disclosing a discussion as long as it was not



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[1] considered a general waiver of the attorney/client  
[2] privilege?  
[3] **MS. RUBIN:** Correct.  
[4] **MR. TEAGUE:** Just for purposes of that  
[5] meeting?  
[6] **MS. RUBIN:** Correct.  
[7] **MR. TEAGUE:** Understood.  
[8] **Q:** What do you recall being said at the  
[9] meeting with Mr. Lydon?  
[10] **A:** I recall that there was discussion about  
[11] the investigation and that the general manager made  
[12] the decision to terminate Eli Mistovich.  
[13] **Q:** Do you remember anything anyone said?  
[14] **A:** I don't remember the details of the  
[15] discussions.  
[16] **Q:** Did you say anything?  
[17] **A:** I'm sure I did.  
[18] **Q:** I mean that you remember?  
[19] **A:** I know that I stated that it was my opinion  
[20] that Eli was screening out applications.  
[21] **Q:** Did you recall recommending that he be  
[22] terminated?  
[23] **A:** I did not recommend that.  
[24] **Q:** Did you recommend some other option?

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[1] **A:** I don't recall.  
[2] **Q:** Do you recall recommending a demotion or  
[3] relieving him of hiring responsibilities in lieu of  
[4] a termination?  
[5] **A:** I vaguely recall that.  
[6] **Q:** Okay. After this initial meeting of March  
[7] 26th, did you ever go and say anything to Mr.  
[8] Mistovich to make further inquiry as to what had  
[9] happened?  
[10] **A:** I don't believe that I did.  
[11] **Q:** Were you under directives from Ms. Bowden  
[12] or Mr. Urban not to talk to him about this subject  
[13] matter after the meeting?  
[14] **A:** I remember I was advised not to discuss it  
[15] with him, but I don't remember by whom.  
[16] **Q:** So at the March 26th meeting — let me see  
[17] if I can understand this correctly — Mr. Mistovich  
[18] was asked by you to come to this meeting, correct?  
[19] **A:** To the best of my knowledge, yes.  
[20] **Q:** Did you tell him who would be present at  
[21] the meeting?  
[22] **A:** I don't recall if I did or not.  
[23] **Q:** Okay. And he goes in the meeting in the  
[24] Engineering Conference Room, and then Ms. Bowden and

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[1] you and Mr. Urban are present, correct?  
[2] **A:** This is for the first meeting?  
[3] **Q:** First meeting.  
[4] **A:** That's correct.  
[5] **Q:** And Mr. Urban is the assistant general  
[6] manager of MBCR, correct?  
[7] **A:** Yes. Assistant or deputy of —  
[8] **Q:** Yes —  
[9] **A:** — I'm not sure.  
[10] **Q:** — deputy. Mr. Lydon's number one  
[11] assistant, is he not?  
[12] **A:** Yes.  
[13] **Q:** And Elizabeth Bowden is head of Human  
[14] Resources, correct?  
[15] **A:** Yes.  
[16] **Q:** And the first — do you remember who led  
[17] the discussion at the meeting? Was it Ms. Bowden,  
[18] Elizabeth Bowden?  
[19] **A:** Yes.  
[20] **Q:** And she says to Mr. Mistovich that there  
[21] was some allegations of improper screening of  
[22] resumes, something to that effect?  
[23] **A:** Something to that effect.  
[24] **Q:** And that's the very first information that

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[1] Eli Mistovich has about this issue, correct?  
[2] **A:** To the best of my knowledge. I don't know  
[3] of any other information he had prior to that.  
[4] **Q:** So he's got the head of HR, his immediate  
[5] superior, who is you, and the number two person in  
[6] the company sitting there making an accusation at  
[7] him —  
[8] **MS. RUBIN:** Objection.  
[9] **Q:** — is that correct?  
[10] **A:** I'd say it's correct.  
[11] **Q:** And that's a rather — and everyone else  
[12] had had advance notice of the subject matter and the  
[13] purpose of the meeting except Mr. Mistovich,  
[14] correct?  
[15] **A:** To the best of my knowledge, yes.  
[16] **Q:** And that, would you agree, is a somewhat  
[17] stressful situation for an employee to be faced  
[18] with?  
[19] **MS. RUBIN:** Objection.  
[20] **Q:** Out of the blue?  
[21] **MS. RUBIN:** Objection.  
[22] **MR. TEAGUE:** It's reserved. So go ahead.  
[23] **A:** I would be stressed, yes.  
[24] **Q:** In fact, an accusation like that could